

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Renata Mazzio Gittler

16-cv-4612

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

**COMPLAINT
FOR EMPLOYMENT
DISCRIMINATION**

Dutchess County Government, Dutchess County Office of

Jury Trial: ☒ Yes ☐ No

(check one)

Central and Information Services (OCIS), Timothy Mahler - OCIS,

Stephen Oscarlece - OCIS, Richard Byrne - OCIS

(In the space above enter the full name(s) of the defendant(s).
If you cannot fit the names of all of the defendants in the space
provided, please write, "see attached" in the space above and
attach an additional sheet of paper with the full list of names.
Typically, the company or organization named in your charge
to the Equal Employment Opportunity Commission should be
named as a defendant. Addresses should not be included here.)

This action is brought for discrimination in employment pursuant to: (check only those that apply)

_____ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e
to 2000e-17 (race, color, gender, religion, national origin).

*NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a
Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.*

_____ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§
621 - 634.

*NOTE: In order to bring suit in federal district court under the Age Discrimination in
Employment Act, you must first file a charge with the Equal Employment Opportunity
Commission.*

_____ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 -
12117.

*NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act,
you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity
Commission.*

X
_____ New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 (age,
race, creed, color, national origin, sexual orientation, military status, sex,
disability, predisposing genetic characteristics, marital status).

_____ New York City Human Rights Law, N.Y. City Admin. Code §§ 8-101 to
131 (actual or perceived age, race, creed, color, national origin, gender,
disability, marital status, partnership status, sexual orientation, alienage,
citizenship status).

I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Renata Mazzio Gittler
 Street Address PO Box 803
 County, City Sullivan County, Rock Hill
 State & Zip Code New York, 12775
 Telephone Number (845) 283-1014

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant Name Dutchess County Government
 Street Address 22 Market Street
 County, City Dutchess County, Poughkeepsie
 State & Zip Code New York, 12601
 Telephone Number (845) 486-2000

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer Dutchess County Office of Central and Information Services
 Street Address 503 Haight Avenue
 County, City Dutchess County, Poughkeepsie
 State & Zip Code New York, 12603
 Telephone Number (845) 486-2450 (see attached)

II. Statement of Claim:

State as briefly as possible the facts of your case, including relevant dates and events. Describe how you were discriminated against. If you are pursuing claims under other federal or state statutes, you should include facts to support those claims. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. The discriminatory conduct of which I complain in this action includes: *(check only those that apply)*

<input type="checkbox"/>	Failure to hire me.
<input checked="" type="checkbox"/>	Termination of my employment.
<input type="checkbox"/>	Failure to promote me.
<input type="checkbox"/>	Failure to accommodate my disability.
<input checked="" type="checkbox"/>	Unequal terms and conditions of my employment.

☒

Retaliation.

☒Other acts (specify): Gender discrimination.

Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.

B. It is my best recollection that the alleged discriminatory acts occurred on: 1/2014 through 5/2015.
Date(s)

C. I believe that defendant(s) (check one):

☐

is still committing these acts against me.

☒

is not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check only those that apply and explain):

☐

race _____

☐

color _____

☒gender/sex Female☐

religion _____

☐

national origin _____

☐

age. My date of birth is _____ (Give your date of birth only if you are asserting a claim of age discrimination.)

☐

disability or perceived disability, _____ (specify)

E. The facts of my case are as follow (attach additional sheets as necessary):

I was discriminated against due to my gender by Dutchess County Government, through its Office of Central and Information Services employees: Timothy Mahler, Commissioner; Stephen Oscarlece; and Richard Byrne, in concert with each other, and I was fired from employment in retaliation for leading a grass-roots effort to stop the discriminatory treatment of myself and the other women in the office, and because I was publicly outspoken about the disparagement in the attitudes and promotional opportunities between the male and female employees. I was targeted with discriminatory statements about the female gender and witnessed how the male managers regularly demeaned and undermined myself and the other women employees. (see attached)

Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights or the New York City Commission on Human Rights.

III. Exhaustion of Federal Administrative Remedies:

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding defendant's alleged discriminatory conduct on: November 15, 2015 (Date).

B. The Equal Employment Opportunity Commission (*check one*):

 X

has not issued a Notice of Right to Sue letter.

 issued a Notice of Right to Sue letter, which I received on (Date).

Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.

C. Only litigants alleging age discrimination must answer this Question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (*check one*):

 60 days or more have elapsed.

 less than 60 days have elapsed.

IV. Relief:

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs, as follows: Finding of guilt, responsibility and wrong-doing of named defendants, payment of

monetary damages due to lost wages, including but not limited to earning potential and loss of retirement time,

incurred expenses, adjustment of employment record, and pain and suffering damages.

(Describe relief sought, including amount of damages, if any, and the basis for such relief.)

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 18 day of May, 2016.

Signature of Plaintiff

Address

PO Box 803

Rock Hill, NY 12775

Telephone Number

(845) 283-1014

Fax Number (*if you have one*)

Renata Mazzio Gittler - Contents of the Complaint *(continued)*

PAGE 1

I worked as a Web Designer/Analyst for the Dutchess County Office of Central and Information Services (OCIS) for approximately 16 months (1/14/14 through 5/20/15). During my time in the employ of Dutchess County OCIS, I received countless accolades and compliments for my work, including my website designs and redesign concepts, my graphic design work for the County Executive's office, the Office for the Aging, health department and more. I was commended by department heads and sub-contracted municipal clients for the work I created for them and for my work ethic of excellence. In addition, I was praised by the county executive personally for the quality work I did for his office and his initiatives, including the annual Dutchess County budget and the State of the County address. During the 16 months of my employment at Dutchess County OCIS, at no time did I receive any negative feedback or negative evaluations about my work or my job progress. I was never informed that I was deficient in any area of my work performance or the rate of my progression toward learning advanced computer coding, such as HTML or CSS (cascading style sheets). I was initially hired provisionally and took the Web Designer/Analyst Civil Service exam approximately seven months later. I scored 100 on my exam and was appointed permanently in November 2015. I was fired on the last day of my probation period without any notice or realistic justification. I was told that I was being let go because I refused to learn advanced CSS. During my 16 months of employment, I learned advanced website management software and various coding languages, I welcomed and participated in dozens of hours of professional development, and at no time was I informed that my progress was unacceptable. In addition, at no time was I offered training in CSS.

Renata Mazzio Gittler - Contents of the Complaint *(continued)*

PAGE 2

During my employment at OCIS, I observed that the current management structure included only white males and that the women seemed to be in fear of standing up for themselves.

Early on, I was warned to keep my head down and my mouth shut, as I am a person who speaks out about injustice and inequity, and as it became apparent that my civil rights as a woman were being violated by a local governmental entity, I became more outspoken. It became clear that the culture at OCIS was embedded with chauvinism and sexism and included psychological abuse of the women in the office. Longtime female employees - Jackie Emslie, Tracy Lee, Laura Lokey, Beth Wright and Cathy McMahon - told me about their experiences within the male chauvinistic climate and culture at OCIS and how many of them were passed over for promotions that went to lesser-experienced males. On a number of occasions, I had conversations in the bathroom with the distraught women who were frustrated by the inequitable power structure and office culture. During my employment, I noticed that the acceptance of the status quo (brought on by fear of retaliation) seemed to mimic a Stockholm Syndrome-type mindset in the women. The women just wanted to work their jobs and eventually retire without "problems" with the management. Yet, my outspokenness and my grass-roots leadership efforts to empower the women in the office seemed to be making a difference. I believed I could help create a more equitable working environment.

As it turned out, due to me standing up for women's rights in the workplace, I believe that Mr. Mahler, Mr. Oscarlece and Mr. Byrne, in retaliation to my actions, intentionally and maliciously planned, in concert with each other, my professional demise in a manner as to inflict the most financial pain, professional embarrassment and personal discomfort upon me as possible. Due to their actions, I have suffered professionally, financially, socially and psychologically.

Renata Mazzio Gittler - Contents of the Complaint *(continued)*

PAGE 3

Jury Demand

I request that my Complaint be heard by a Jury.

Subject Matter Jurisdiction

This Complaint is being filed in the correct Jurisdiction because my former place of employment was in Dutchess County, NY. Employment Discrimination and Retaliation - New York State Human Rights law, NY Exec. Law 290 to 297.

Venue

The Federal Judicial District Court of the Southern District of New York includes Dutchess County and thus is the proper court to file my Complaint.

Renata Mazzio Gittler - Defendants *(continued)*

Timothy Mahler, Commissioner
Dutchess County Office of Central and Information Services
503 Haight Avenue
Dutchess County, Poughkeepsie
New York, 12603
(845) 486-2450

Stephen Oscarlece
Dutchess County Office of Central and Information Services
503 Haight Avenue
Dutchess County, Poughkeepsie
New York, 12603
(845) 486-2450

Richard Byrne
Dutchess County Office of Central and Information Services
503 Haight Avenue
Dutchess County, Poughkeepsie
New York, 12603
(845) 486-2450